

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF

TUESDAY, APRIL 18, 1989

AT 9:00 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 10:20 a.m. The meeting was recessed by Mayor O'Connor at 12:14 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor O'Connor at 2:44 p.m. with Council Member Roberts not present. Deputy Mayor McCarty adjourned the meeting at 5:18 p.m. to convene the Redevelopment Agency Meeting.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
 - (1) Council Member Wolfsheimer-present
 - (2) Council Member Roberts-present
 - (3) Council Member McColl-present
 - (4) Council Member Pratt-present
 - (5) Council Member Struiksma-present
 - (6) Council Member Henderson-present
 - (7) Council Member McCarty-present
 - (8) Council Member Filner-present
- Clerk-Abdelnour (jb;rb)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member McColl-not present
- (4) Council Member Pratt-not present
- (5) Council Member Struiksma-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-not present
- (8) Council Member Filner-present

ITEM-330:

Rezoning a 9.68-acre site on the south side of Entreken Way, between Russet Leaf Lane and Carmel Mountain Road, in

the Penasquitos East Community Plan area, from Zone A-1-10 to Zones R1-5000 and CN. The subject property is further described as Lot 4 of Parcel Map PM-14576 (and located in the southeast quarter of Section 12, Township 14 South, Range 3 West, S.B.B.M.).
(Case-88-0497. District-1.)

Subitem-A: (R-89-1751) ADOPTED AS RESOLUTION R-273272

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration EMND-88-0497 has been completed in compliance with the California Environmental Quality Act of 1970, and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-89-185) INTRODUCED, TO BE ADOPTED MAY 1, 1989

Introduction of an Ordinance for R1-5000 and CN Zoning.

FILE LOCATION:

Subitem A ZONE ORD. NO.;

Subitem B--

COUNCIL ACTION: (Tape location: A026-032.)

Hearing began at 10:27 a.m. and halted at 10:28 a.m.

MOTION BY WOLFSHEIMER TO APPROVE. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-not present, Struiksma-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-331: CONTINUED TO MAY 16, 1989, AT 10:00 A.M.

Rezoning a 206 net acre sitelocated generally north of the El Camino Memorial Cemetery, east of Lusk Boulevard, west of Parkdale Avenue and south of the Los Penasquitos Canyon Reserve, in the Mira Mesa Community Plan area,from Zone A-1-10 to Zones M-1B and M-1A. The subject property is further described as Parcel 5 of Parcel Map PM-13071.
(Case-86-0975. District-5.)

Subitem-A: (R-89-1752) --

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration EMND-86-0975 has been completed in compliance with the

California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-89-182) --

Introduction of an Ordinance for M-1A and M-1B Zoning.

FILE LOCATION:

Subitem A ZONE ORD. NO.;

Subitem B--

COUNCIL ACTION: (Tape location: A010-025.)

MOTION BY STRUIKSMA TO CONTINUE TO MAY 16, 1989, AT DONALD STEFFENSEN'S REQUEST. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-not present, Struiksma-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-332: (R-89-2253) ADOPTED AS RESOLUTION R-273277,
GRANTING THE APPEAL AND DENYING THE
PERMIT

19890418

Appeal of Southeast San Diego Development Committee, by Verna M. Quinn, Chair, from the decision of the Board of Zoning Appeals in granting modified Conditional Use Permit CUP-20135, with conditions. The requested permit would increase the number of residents allowed at an existing residential care facility from six to ten, where such use requires a Conditional Use Permit. The subject property is located at 262 Terol Court, in Zone SF-5000, in the Southeast San Diego Planned District, and is further described as Lot 162, Avocado Vista, Unit 4, Map-9440. (CUP-20135. District-4.)

Adoption of a Resolution granting or denying the appeal and granting or denying the permit, with appropriate findings to support Council action.

FILE LOCATION: ZONE - ZONING APPEALS CASE-C-20135

COUNCIL ACTION: (Tape location: D044-122.)

Hearing began at 2:47 p.m. and halted at 2:52 p.m.

Testimony by Verna Quinn in favor of the appeal.

MOTION BY PRATT TO UPHOLD THE APPEAL. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-not present, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea,

McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-333:

Two actions relative to the paving and otherwise improving of City Heights Block Grant Alley and Sewer Main Replacement - Contract No. 7 (1911 Street Improvement Act): (Mid-City Community Area. District-3.)

Subitem-A: (R-89-1842) ADOPTED AS RESOLUTION R-273273

Considering the protests and confirming the assessment in the matter of paving and otherwise improving City Heights Block Grant Alley and Sewer Main Replacement - Contract No. 7 on Assessment Roll No. 4024, under Resolution of Intention R-270015, adopted January 4, 1988.

Subitem-B: (R-89-1843) ADOPTED AS RESOLUTION R-273274

Authorizing the expenditure of not to exceed \$19,460.56 (\$16,354.75 from Fund No. 18518, Dept. No. 5613, Organization No. 1301; and \$3,105.81 from Capital Outlay Fund No. 30245, Dept. No. 3245, Organization No. 100, CIP-58-007, Ineligible Overhead for Federally Funded Projects, solely and exclusively for the purpose of providing funds for the improvement of City Heights Block Grant Alley and Sewer Main Replacement - Contract No. 7 and related costs.

CITY MANAGER SUPPORTING INFORMATION: On July 11, 1988, Council awarded a contract for improvement of three (3) alleys in the City Heights area in accordance with the Council-adopted CDBG Assessment District Cost Sharing Program. In conformance with Council direction at the previous public hearing, one of the alleys has been improved at no cost to the abutting owners. Construction is now complete, and the assessments must be levied. CDBG funds will be used to pay the assessments of owner-occupied properties where the owner meets HUD income guidelines. Where property owners do not satisfy both conditions, the assessment remains and may be paid over a ten-year period. Each property owner has been sent information regarding the assessment to their property, a CDBG eligibility form and a notice of today's hearing. The final proposed assessments range from 12.4 percent below to 9.4 percent above the amounts noticed for the public hearing due to final construction costs. Current information indicates that 9 out of 26 property owners satisfy the residency requirements. Aud. Cert. 8900794.

FILE LOCATION: STRT D-2271

COUNCIL ACTION: (Tape location: C231-325.)

Hearing began at 12:07 p.m. and halted at 12:14 p.m.

Testimony in opposition by Walter Sweadner.

MOTION BY McCOLL TO APPROVE AND REFER THE QUESTION WITH RESPECT TO MR. SMEADNER'S PARCEL BEING TOO SMALL AND UNUSABLE FOR ANY OTHER PURPOSE TO THE CITY MANAGER TO WORK OUT SOMETHING WITH THE

OWNER. Second by McCarty. Passed by the following vote:

Wolfsheimer-not present, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-334: (R-89-1913 Rev.1) ADOPTED AS AMENDED AS RESOLUTION
R-273275

Directing the City Manager to initiate public acquisition of the Green Dragon Colony(Lots 30, 31 and 32 in Block 59 of La Jolla Park Subdivision Map-352) to facilitate its preservation through acquisition and reconveyance with restrictive easements; declaring that the City Council previously reviewed EIR-87-0188 and finds the above action to be consistent with the report.

(See Historical Site Board Report dated 3/9/89. La Jolla Community Area. District-1.)

19890418

FILE LOCATION: Gen'l - Historical Site Board, Decisions and Appeals, Green Dragon

COUNCIL ACTION: (Tape location: A038-C210.)

Motion by Wolfsheimer to approve. Second by Filner. Failed:

Yeas-1,8. Nays-2,3,5,6,7,M. Not present-4.

MOTION BY ROBERTS TO DIRECT THE CITY MANAGER AND THE CITY ATTORNEY TO COORDINATE WITH THE CHART HOUSE IN THE SELECTION OF AN APPRAISER, INSTRUCTING THEM IN SUCH A WAY TO ENSURE THAT THE APPRAISAL COULD BE USED IN THE FUTURE BY THE CITY AS PART OF A PUBLIC ACQUISITION. INFORM THE COASTAL COMMISSION THAT THE CITY COUNCIL STRONGLY SUPPORTS PRIVATE EFFORTS IN THE HISTORICAL PRESERVATION OF PROPERTY. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-yea, Henderson-yea, McCarty-nay, Filner-yea, Mayor O'Connor-yea.

Apr-18-1989

ITEM-335: WELCOMED

Welcoming a group of approximately 8 Cub Scouts from Solana Highlands Elementary School, accompanied by Pat Storevik and Margaret Harden. This group will arrive at approximately 2:00 p.m.
(District-1.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D022-043.)

ITEM-336:

1. Rezoning a 28.3 acre sitesouth of Aero Drive, east of Ruffin Road and west of Daley Circle Drive, in the Serra Mesa Community Plan area. The subject property is further described as a portion of Lots 2, 5, 6, 7 and 8 of Block 4; Lots 2, 3 and 5 of Block 15, Rosedale Map-826; and a portion of Lemon Avenue between Block 4 and 5, from Zones R1-5000 (HR) and Unzoned into Zone M-IP (HR);
2. Appeals of the City of San Diego by Frank Belock, Jr.,from the decision of the Planning Commission in denying permits concerning the above described real property:
 - a). Planned Industrial Development Permit
PID-87-1140proposes to develop 5 of the lots and landscape the site, and
 - b). Hillside Review and Resource Protection Overlay Zone
Permits HRP/RPOZ-87-1140 propose grading of 5 lots, preserving Lot 6 as open space;
3. A request to approve Tentative Map TM-87-1140 (City Aero Drive Industrial Park)on the above described real property, which proposes a subdivision of the 28.3-acre site into six lots; five for light industrial uses consistent with the M-IP Zone and one to be designated as open space; and
4. A proposal to vacate portions of Olive and Lemon Streets and Eighth Avenue.
(Case, PID, HRP/RPOZ & TM-87-1140. District-5.)

19890418

Subitem-A: (R-89-1740) ADOPTED AS RESOLUTION R-273278

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration EMND-87-1140 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-89-189) INTRODUCED, TO BE ADOPTED ON
MAY 1, 1989

Introduction of an Ordinance for M-IP (HR) Zoning.

Subitem-C: (R-89-) REFERRED TO THE CITY MANAGER AND
CITY ARCHITECT

Adoption of a Resolution granting or denying the appeal and
granting or denying the PID permit, with appropriate
findings to support Council action.

Subitem-D: (R-89-) REFERRED TO CITY MANAGER AND CITY
ARCHITECT

Adoption of a Resolution granting or denying the appeal and
granting or denying the HRP/RPOZ permit, with appropriate
findings to support Council action.

Subitem-E: (R-89-2341) ADOPTED AS RESOLUTION R-273279,
GRANTING THE MAP AS AMENDED

Adoption of a Resolution granting or denying the map, with
appropriate findings to support Council action.

Subitem-F: (R-89-1739) REFERRED TO CITY MANAGER AND CITY
ARCHITECT

Adoption of a Resolution authorizing the vacation of
portions of Olive and Lemon Streets and Eighth Avenue as
provided for under Section 66499.20-1/2 of the State Map
Act.

CITY MANAGER SUPPORTING INFORMATION:

The proposed vacations have been initiated by the submission of
a tentative map and consist of several unimproved paper streets.
All portions of the rights-of-way to be vacated are entirely
within the boundaries of the proposed City Aero Drive Industrial
Park subdivision (TM-87-1140). The Subdivision Board
recommended approval of the tentative map on December 19, 1988.
However, upon an appeal, the Planning Commission, on February 9,
1989, denied the rezone, upheld the appeal, and denied the
related permits by a 5-1 vote.

The proposed development and vacation areas are located in the
Serra Mesa community and situated in an area which is proposed
for the M-IP Zone designation. Portions of the development site
are also affected by the Hillside Review Overlay Zone. The map
proposes a subdivision of 28.3 acres, including the vacated
streets, that is to be subdivided into six lots for industrial
development under Planned Industrial Development Permit
PID-87-1140. The proposed development is consistent with the

General Plan and the Serra Mesa Community Plan.

The rights-of-way are unimproved, unneeded paper streets.

Access to the proposed development will be via four driveways accessing from Aero Drive. Easement reservations are not being required since the necessary utility and slope easements are to be granted on the final map.

Staff review has indicated that the rights-of-way to be vacated will no longer be needed for present or prospective public use when the final map for City Aero Drive (TM-87-1140) is recorded.

It is therefore recommended that the vacation be approved conditioned upon the recordation of the final map for City Aero Drive (TM-87-1140).

FILE LOCATION: SUBITEM A: ZONE ORD. NO.; SUBITEM B: --;
SUBITEM C: PERM PID-87-1140; SUBITEM D: PERM
HRP/RPOZ-87-1140; SUBITEM E: SUBD - CITY
AERO DRIVE INDUSTRIAL PARK; SUBITEM F: STRT
J-2714

COUNCIL ACTION: (Tape location: D113-F317.)

Hearing began at 2:54 p.m. and halted at 4:30 p.m.

Council Member Roberts entered at 2:57 p.m.

Testimony in favor by Tim Cohelan, Ron Blair, Jack McCuen, Charlene Nordell, Richard Farmer, and Tom Awbrey.

Testimony in opposition by Garold Nelson, Mike Sullivan, Melvin Hendrix, and Stan Colter.

Mayor O'Connor closed the hearing.

Mayor O'Connor left at 4:10 p.m.

MOTION BY HENDERSON TO APPROVE THE PLANNING DEPARTMENT'S RECOMMENDATION WITH THE FOLLOWING AMENDMENTS AS REQUESTED BY COUNCIL MEMBER STRUIKSMA: THAT THE PROPERTY IN THE PROCESS OF BEING REZONED BE REZONED FOR CITY USE ONLY WITH THE EXCLUSION OF LOT 5 AND LOT 6 TO REMAIN IN OPEN SPACE. THE ACCESS POINT FOR LOTS 2, 3, AND 4 BE LOCATED IN MUCH THE SAME VICINITY THAT IT CURRENTLY IS--OFF OF AERO DRIVE--AND THAT THOSE LOTS TAKE THE ACCESS OFF THAT EXISTING DRIVEWAY. THAT LOTS 2, 3, AND 4 REMAIN MUCH THE SAME AS THEY CURRENTLY ARE, IN SO FAR AS THE TOPOGRAPHIC LEVELS. THAT THERE BE WITH OR WITHOUT THE GRADING, THE LANDSCAPE BUFFER BE THE 30 FEET THAT IS REFERENCED, AND THAT THE ENGINEERING AND DEVELOPMENT DEPARTMENT AND/OR THE PLANNING DEPARTMENT MEET WITH THE RESIDENTS TO GO OVER THE PLACEMENT OF BUILDINGS ON LOTS 2, 3, AND 4. TO APPROVE THE TENTATIVE MAP AND TO HOLD IN ABEYANCE THE GRADING PLAN UNTIL MATTERS ARE RESOLVED; AND TO DIRECT THE CITY MANAGER AND CITY ARCHITECT TO WORK WITH THE RESIDENTS AND REPORT BACK TO COUNCIL IN 60 DAYS. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea,

Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-337: (R-89-1741) ADOPTED AS RESOLUTION R-273280

(Continued from the meeting of March 20, 1989, Item 209, at Council Member Henderson's request, to allow Community Planning Groups to review the maps.)

Approving maps showing where sensitive biological resources or significant prehistoric resources (Resource Protection Ordinance Clear Area Maps) are expected to be located, in order to facilitate the implementation of the Resource Protection Ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G249-312.)

Hearing began at 5:07 p.m. and halted at 5:11 p.m.

MOTION BY ROBERTS TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-S500: (O-89-197) INTRODUCED AS AMENDED, TO BE ADOPTED ON MAY 1, 1989

(Continued from the meeting of April 11, 1989, Item 333, at Deputy Mayor McCarty's, request for further review.)

A proposal to approve a Procedural Ordinance for Interim Development Control. This ordinance will allow the City Council to apply a residential building permit allocation system Citywide or to any subarea of the City to preserve environmental quality necessary to maintain the public health, safety and welfare.

Introduction of an Ordinance amending Chapter X, Article 1, Division 2, of the San Diego Municipal Code by adding Section 101.0260, relating to Interim Development Control.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: F324-G226.)

Hearing began at 4:31 p.m. and halted at 5:05 p.m.

Motion by Wolfsheimer to substitute the words "City Council" where "Planning Commission" appears in Sections E and F. Second by McCarty. No vote.

Motion by Roberts to amend Page 3, Item 5, Section D to state that "residential projects for which all required discretionary permits have been approved and for which complete building permit applications have been accepted prior to the first date

of notice." Second by Wolfsheimer. No vote.

MOTION BY ROBERTS TO APPROVE THE DOCUMENT WHICH GIVES THE CITY A STAND-BY IDO SHOULD IT BE NEEDED. TO MODIFY PAGE 3, SECTION D, PARAGRAPH 5 TO ACCOUNT FOR REQUIRED DISCRETIONARY PERMITS AND COMPLETE BUILDING PERMIT APPLICATIONS; AND TO ACCEPT COUNCIL MEMBER STRUIKSMA'S AMENDMENT TO ADD REZONING TO PARAGRAPH K.

Second by McColl. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea,
Struiksma-yea, Henderson-nay, McCarty-nay, Filner-yea, Mayor
O'Connor-not present.

MOTION BY ROBERTS TO HAVE THE VARIANCE HEARINGS BE APPEALABLE TO THE CITY COUNCIL FROM THE PLANNING COMMISSION. Second by

McColl. Passed by the following vote: Wolfsheimer-nay,
Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea,
Henderson-nay, McCarty-yea, Filner-yea, Mayor O'Connor-not
present.

ITEM-S501: (R-89-1876) ADOPTED AS RESOLUTION R-273276

19890418

(Continued from the meeting of April 11, 1989, Item 334, at the City Manager's request, to allow for proper notification to land owners.)

FINDINGS MUST BE MADE AS A PART OF COUNCIL ADOPTION

Determining and declaring that the public interest, convenience and necessity of the City of San Diego requires the construction, operation and maintenance of a public street or streets earth excavations or embankments, slope or slopes and incidents thereto and a storm drain or drains in a portion of Parcels 1 and 2 of Parcel Map PM-13432, filed on August 17, 1984, with the San Diego County Recorder for the improvement of Camino del Rio North, and that the public interest, convenience and necessity demand the acquisition of easements in said property for said public street or streets; declaring the intention of the City to acquire said property under eminent domain proceedings; directing the City Attorney to commence an action in the Superior Court of the State of California, in and for the County of San Diego, for the purpose of condemning and acquiring said property and easements and acquiring immediate possession.

(Six votes required.)

(See City Manager Report CMR-89-134. Located north of Interstate 8, easterly of Stadium Way to Milly Way. Mission Valley Community Area. District-5.)
Aud. Cert. 8900326.

FILE LOCATION: MEET F-6849

COUNCIL ACTION: (Tape location: C211-230.)

Hearing began at 12:06 p.m. and halted at 12:06 p.m.

MOTION BY McCARTY TO APPROVE. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S502: (O-89-186) INTRODUCED, TO BE ADOPTED ON MAY 1, 1989

(Continued from the meeting of April 11, 1989, Item 342, at Council Member Filner's request, for further review of the Community Plan.)

Proposal to approve an Interim Ordinance for the San Ysidro and urbanized portions of the Tia Juana River Valley communities. The purpose of the ordinance would be to ensure that all future residential development permitted in multi-family and commercial zones would be adequately served by public facilities and services and to protect the integrity of a proposed historic area within the community. The proposed Interim Ordinance would apply to the area shown on the map on file in the Planning Department and would provide the following:

1. All projects containing residential development on properties in multi-family and commercial zones would be required to obtain a Planned Residential Development Permit, Planned Commercial Development Permit, or Conditional Use Permit prior to issuance of building permits.
2. In conjunction with approval for all new residential projects in multi-family or commercial zones, a finding must be made that basic public facilities and services including but not limited to schools, parks, roads, water, sewer, and public safety will be provided at standards equal to or exceeding those recommended by the Progress Guide and General Plan for the City of San Diego and applicable City Council policies.
3. Applications to demolish structures within a historic

survey area, illustrated on the map on file in the Planning Department, would be required to obtain approval from the Planning Director.

(District-8.)

Introduction of an Ordinance limiting issuance of demolition permits, building removal permits, building permits and commencement of construction in portions of San Ysidro and urbanized portions of the Tia Juana River Valley for a period of one year or upon the effective date of regulations to implement the updated San Ysidro Community Plan, whichever occurs first.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: G230-246.)

Hearing began at 5:05 p.m. and halted at 5:06 p.m.

MOTION BY FILNER TO INTRODUCE. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor McCarty at 5:18 p.m.

FILE LOCATION: MINUTES